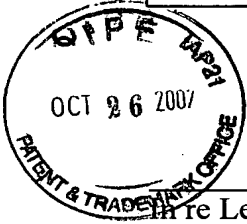


Express Mail Label No. EV 957672096 US Dated: October 26, 2007

Docket No.: GMI-056
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Here Letters Patent of:
Longberg *et al.*

Patent No.: 7,084,260

Issued: August 1, 2007

For: TRANSGENIC NON-HUMAN AMINALS FOR
PRODUCING HETEROLOGOUS
ANTIBODIES

Attention: Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

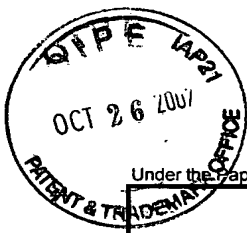
RESPONSE TO LETTER REGARDING OF PATENT TERM ADJUSTMENT

Dear Sir:

This communication is in response to the Letter Regarding Patent Term Adjustment and Notice of Intent to Issue Certificate of Correction mailed September 20, 2007 from the U.S. Patent and Trademark Office. Specifically, Patentees respectfully maintain that for the following reason that they are entitled to 551 days of PTA instead of the 487 days granted in the Letter.

A period of reduction in the Patent Term Adjustment was entered by the Office in association with the filing of a REQUEST FOR ACKNOWLEDGEMENT OF PREVIOUSLY SUBMITTED INFORMATION DISCLOSURE STATEMENT filed October 25, 2005 (resubmitted December 19, 2005). The reduction reflects a period of 64 days beginning with receipt of the REQUEST by the Office (October 28, 2005) and ending on the day the REQUEST was considered by the Examiner (December 30, 2005). However, because the resubmission was not due to Patentees fault or delay, and because Patentees were in fact making reasonable efforts to conclude the processing and examination of the application during prosecution, the 64 days should not be counted against Patentees' PTA. Specifically, Patentees previously submitted the

10-29-07

CDA
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PTO/SB/21 (10-07)

Approved for use through 10/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1>TRANSMITTAL FORM</h1> <p><i>(to be used for all correspondence after initial filing)</i></p>		Application Number	Patent#: 7,084,260
		Filing Date	Issued: August 1, 2006
		First Named Inventor	Nils LONBERG
		Art Unit	1644
		Examiner Name	P. J. Nolan
Total Number of Pages in This Submission		Attorney Docket Number	GMI-056

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Exhibit A (15 pages) Exhibit B (2 pages) Return Receipt Postcard
<div style="border: 1px solid black; padding: 5px; min-height: 40px;"> Remarks </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Jeanne M. DiGiorgio		
Date	October 26, 2007	Reg. No.	41,710

same Information Disclosure Statement on two separate occasions earlier in the prosecution of the patent. However, in both instances and for no apparent reason, the Information Disclosure Statement submitted was not reviewed or acknowledged by the Examiner. In particular, the Information Disclosure Statement filed October 25, 2005 was initially submitted by Patentees on January 24, 1997 and received by the Office on January 28, 1997. (See enclosed Exhibit A, which includes a copy of the Information Disclosure Statement, Form-PTO 1449 and Return Receipt postcard date stamped by the Office on January 28, 1997.) The same Information Disclosure Statement was again submitted by patentees on March 9, 2001 and received by the Office on March 15, 2001 (See Exhibit B, which includes a copy of the Return Receipt Postcard and the Transmittal form for the submission). For no apparent reason, neither Information Disclosure Statement was reviewed by the Examiner.

Therefore, because Patentees' made reasonable efforts to conclude processing and examination of the instant patent through multiple submissions of the same Information Disclosure Statement for the Examiner's consideration early the prosecution, they should not be penalized for the delay associated with the resubmission. Accordingly, Patentees respectfully request that the Office reinstate the period of reduction of 64 days and issue a certificate of correction showing a revised Patent Term Adjustment of 551 days instead of 487 days.

Dated: October 26, 2007

Respectfully submitted,

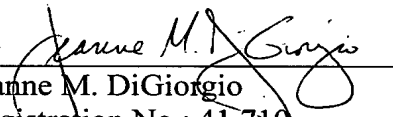
By 
Jeanne M. DiGiorgio
Registration No.: 41,710
LAHIVE & COCKFIELD, LLP
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Boston, Massachusetts 02109-2127
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant

Exhibit A**COPY**APPLICANT L. S. LONBERG et al.Title: **TRANSGENIC NON-HUMAN ANIMALS FOR
PRODUCING HETEROLOGOUS ANTIBODIES**

Serial No: 08/728,463 Filed: October 10, 1995

Fee (if any) \$0.00 Check Enclosed ☐ Yes ☒ No

Certificate of Mailing:

Post Class ☐ Express Mail label ☐Know stamp receipt date and mail to acknowledge receipt of
the accompanying:1. Information Disclosure Statement Under 37 CFR §1.97 and
§1.98

2. Form PTO-1449 listing references A1-C101

3. 5 References

4. Postcard

Due Date: _____

Date Mailed: 1/24/97Atty/Secy RTA/dmvFile No.: 014643-009020US

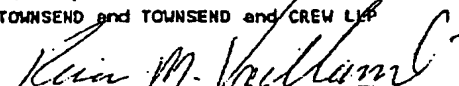
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231,

on

1/24/97

TOWNSEND and TOWNSEND and CREW LLP

By

**COPY**PATENT

Attorney Docket No. 014643-009020US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NILS LONBERG et al.

Application No.: 08/728,463

Filed: 10 October, 1996

For: TRANSGENIC NON-HUMAN
ANIMALS FOR PRODUCING
HETEROLOGOUS ANTIBODIES

Examiner: UNASSIGNED

Art Unit: UNASSIGNED

INFORMATION DISCLOSURE
STATEMENT UNDER
37 CFR §1.97 and §1.98Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The disclosures cited on attached form PTO-1449 are being called to the attention of the Examiner. Copies of some of the disclosures (references A1-C96) are not being provided pursuant to 37 C.F.R. 1.98(d), as those disclosures have been previously cited by or submitted to the Patent Office in prior applications Serial Nos. 07/810,279, 07/853,408, 08/161,739, 08/165,699, 08/096,762, 08/352,322, and 08/209,741, to which the above identified application claims priority.

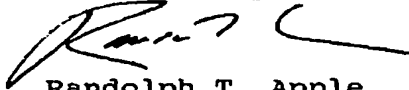
This information disclosure statement is being filed before the mailing date of the first office action on the merits.

Niels LONGBERG et al.
Application No.: 08/728,463
Page 2

PATENT

It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the disclosures be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Respectfully submitted,



Randolph T. Apple
Reg. No. 36,429

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FORM PTO-1449 (Modified,

Attorney Docket No.
14643-009000Serial No.
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DISCLOSURE STATEMENT
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NILS LONBERG and ROBERT M. KAY

PAGE 1 OF 12

Filing Date
December 7, 1994Group
1804Reference DesignationU.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class	Subcl:	File Date If Approp
_____	A1	4,204,244	04/20/93	Fell et al.	435	
_____	A2	5,175,384	12/29/92	Krimpenfort	800	
_____	A3	5,434,340	07/18/95	Krimpenfort	800	

COPYFOREIGN PATENT DOCUMENTS

Document No.	Date	Country	Class	Subcl:	Trans. Yes No
_____ B1	EP 0 315 062	05/10/89	EP		
_____ B2	WO 90/04036	04/19/90	PCT		
_____ B3	WO 90/12878	11/01/90	PCT		
_____ B4	WO 92/03918	03/19/92	PCT		
_____ B5	WO 91/10741	07/25/91	PCT		
_____ B6	WO 91/00906	01/24/91	PCT		

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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PAGE 9 OF 11

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FORM PTO-1449 (Modified)

Attorney Docket No.
14643-009000Serial No.
08/352,322LIST OF PATENTS AND PUBLICATIONS
FOR APPLICANT'S INFORMATION
DISCLOSURE STATEMENT
(Use Several Sheets if Necessary)Applicant
NILS LONBERG and ROBERT M. KAY

PAGE 10 OF 11

Filing Date
December 7, 1994Group
1804OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

- _____ C78 Buttin, Exogenous Ig gene rearrangement in transgenic mice: a new strategy for human monoclonal antibody production? TIG - Vol 3, no. 8 (August 1987)
- _____ C79 Green et al., Antigen-specific human monoclonal antibodies from mice engineered with human Ig heavy and light chain YACs, Nature Genetics 7:13-21 (1994)
- _____ C80 Hofker et al., Complete physical map of the human immunoglobulin heavy chain constant region gene complex, Proc. Natl. Acad. Sci. USA 86:5567-5571 (1989)
- _____ C81 Humphries et al., A new human immunoglobulin V_H family preferentially rearranged in immature B-cell tumours, Nature 331:446-449 (1988)
- _____ C82 Jaenisch, Transgenic Animals, Science 240:1468-1474 (1988)
- _____ C83 Jakobovits et al., Analysis of homozygous mutant chimeric mice: Deletion of the immunoglobulin heavy-chain joining region blocks B-cell development and antibody production, Proc. Natl. Acad. Sci. USA 90:2551-2555 (1993)
- _____ C84 Lonberg et al., Antigen-specific human antibodies from mice comprising four distinct genetic modifications, Nature 368:856-859 (1994)
- _____ C85 Miller et al., Structural alterations in J regions of mouse immunoglobulin λ genes are associated with differential gene expression, Nature 295:428-430 (1982)
- _____ C86 Morrison, Success in specification, Nature 368:812-813 (1994)
- _____ C87 Pettersson et al., A second B cell-specific enhancer 3' of the immunoglobulin heavy-chain locus, Nature 344:165-168 (1990)

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PAGE 11 OF 11

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1804OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

- _____ C88 Scangos and Bieberich, Gene transfer into mice, Advances in Genetics 24: 285-322 (1987)
- _____ C89 Stites et al., Basic & Clinical Immunology, page 50 (1984)
- _____ C90 Tanaka et al., An antisense oligonucleotide complementary to a sequence in I γ 2b Increase γ 2b germline transcripts, stimulates B cell DNA synthesis, and inhibits immunoglobulin secretion, The Journal of Experimental Medicine 175:597-607 (1992)
- _____ C91 Taki et al., Targeted insertion of a variable region gene into the immunoglobulin heavy chain locus, Science 262:1268-1271 (1993)
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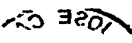
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FORM PTO-1449 (Modified)		Attorney Docket No. 014643-009020US		Serial No.: 08/728,463		
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) Page 12 of 12		Applicant: Niels LONGBERG et al.				
		Filing Date: 10/10/96		Group: UNASSIGNED		
Reference Designation		U.S. PATENT DOCUMENTS				
Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date (If Appropriate)
FOREIGN PATENT DOCUMENTS						
	Document No.	Date	Country	Class	Sub-class	Translation (yes/no)
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)						
___ C97	Chen et al. (1989) Arthritis Rheum. 32:72 Title: Characterization Of Two Immunoglobulin V _H Genes That Are Homologous To Human Rheumatoid Factors					
___ C98	Jonker et al. (1993) Clin. Exp. Immunol. 93:301-307 Title: In Vivo Treatment With A Monoclonal Chimeric Anti-CD4 Antibody Results In Prolonged Depletion Of Circulating CD4+ Cells in Chimpanzees					
___ C99	Knox et al. (1991) Blood 77:20 Title: Observations On The Effect Of Chimeric Anti-CD4 Monoclonal Antibody In Patients With Mycosis Fungoides					
___ C100	Powelson et al. (1994) Transplantation. 57:788-793 Title: CDR-Grafted OKT4A Monoclonal Antibody In Cynomolgus Renal Allograft Recipients					
___ C101	Tomlinson et al. (1992) J. Mol. Biol. 227:776 Title: The Repertoire Of Human Germline V _H Sequences Reveals About Fifty Groups of V _H Segments With Different Hypervariable Loops					
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Please stamp your date of receipt of the following documents and return to addressee:

Mailing Date:	March 9, 2001	First Class Mail	
File No.:	014643-009020us	Attorney:	ATS/ksj
Application No.:	08/728,463	Filed:	October 10, 1996
Inventor(s):	LONBERG et al.		MAR 29 2001
Title:	TRANSGENIC NON-HUMAN ANIMALS FOR PRODUCING HETEROLOGOUS ANTIBODIES		

References cited in the Information Disclosure Statement previously filed and referenced in the parent case, application no. 08/352,322

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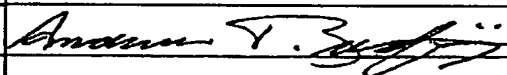
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	08/728,463
		Filing Date	October 10, 1996
		First Named Inventor	Lonberg, Nils, et. al.
		Group Art Unit	1644
		Examiner Name	DeCloux, Amy
Total Number of Pages In This Submission	3	Attorney Docket Number	14843009020

ENCLOSURES (check all that apply)

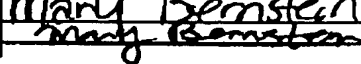
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): References cited in the Information Disclosure Statement previously filed and referenced in the parent case, application no. 08/352,322
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP	
	Andrew T. Serafini	Reg No. 41,303
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